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DEC 17 2008

In re Application of :
Campbell, et al. : LETTER REGARDING PTA
Application No. 09/809,325 :
Filed: March 16, 2001 :
Atty. Dkt. No.: : 08049.0002 :

This letter is in response to the "NOTICE OF POSSIBLE PTO ERROR IN THE DETERMINATION OF PATENT TERM ADJUSTMENT LETTER AND REQUEST FOR CLARIFICATION OF CALCULATION," filed July 18, 2008. The Office thanks applicants for their good faith and candor in bringing this to our attention.

The Determination of Patent Term Adjustment mailed April 21, 2008 indicated that the above-identified application was entitled to a patent term adjustment ("PTA") of 716 days. Applicants indicate that the correct adjustment is 624 days.

The correct Patent Term Adjustment ("PTA") at the time of the allowance is 504 days.

Applicants do not set forth with specificity any perceived errors in the calculation of adjustment.

A review of the calculation does not reveal error in the adjustments totalling 1,056 days accorded for USPTO delays or the reductions totalling 340 days accorded for applicants' failure to engage in reasonable efforts to conclude prosecution.

However, a review of the record reveals that the Office neglected to assess two separate reductions for delays on the part of applicants.

The adjustment totalling 1,056 days is properly reduced an additional 120 days in accordance with 37 CFR 1.704(b) in connection with the reply to the Notice to File Missing Parts mailed April 24, 2001. Accordingly, the reduction commenced July 25, 2001, the day after the date that is three months after the date that the Notice to File Missing Parts was mailed, and ended

November 21, 2001, the date that a reply to the Notice to File Missing Parts was filed.

The adjustment totalling 1,056 days is further properly reduced 92 days in accordance with 37 CFR 1.704(b) in connection with the Request for Continued Examination (RCE) filed June 1, 2006. The reduction commenced March 2, 2006, the day after the date that is three months after the date that the final rejection was mailed, and ended June 1, 2006, the date that the RCE was filed.

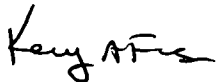
Accordingly, at the time of allowance, the application is entitled to an overall adjustment of 504 days (adjustments totalling 1,056 days less reductions totalling 552 days).

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection with this matter.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

This application is being forward to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the Alesia M. Brown at (571) 272-3205.



Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

Day : Tuesday
Date: 12/16/2008


PALM INTRANET

Time: 14:13:11

PTA Calculations for Application: 09/809325

Application Filing Date:	03/16/2001	PTO Delay (PTO):	1056
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	340
Post-Issue Petitions:	0	Total PTA (days):	504
PTO Delay Adjustment:	-212		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
67	12/16/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		212	
58	04/21/2008	MAIL NOTICE OF ALLOWANCE			
57	04/17/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
56	03/31/2008	ISSUE REVISION COMPLETED			
55	03/21/2008	DOCUMENT VERIFICATION			
54	03/21/2008	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
53	03/17/2008	EXAMINER'S AMENDMENT COMMUNICATION			
52	03/17/2008	NOTICE OF ALLOWABILITY			
49	02/23/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
48	02/12/2008	DATE FORWARDED TO EXAMINER			
47	01/11/2008	RESPONSE TO ELECTION / RESTRICTION FILED		90	45
46	01/11/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
45	07/13/2007	MAIL RESTRICTION REQUIREMENT	20		36
44	07/09/2007	REQUIREMENT FOR RESTRICTION / ELECTION			
43	05/07/2007	DATE FORWARDED TO EXAMINER			
42	05/03/2007	SUPPLEMENTAL RESPONSE		69	36
41	05/04/2007	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
40	05/02/2007	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
39	04/25/2007	MISCELLANEOUS INCOMING LETTER			
38.7	02/23/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
		INFORMATION DISCLOSURE STATEMENT (IDS)			

38	02/23/2007	FILED			
37	03/08/2007	DATE FORWARDED TO EXAMINER			
36	02/23/2007	RESPONSE AFTER NON-FINAL ACTION		91	34
35	02/23/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
34	08/24/2006	MAIL NON-FINAL REJECTION			
33	08/21/2006	NON-FINAL REJECTION			
32	06/10/2006	DATE FORWARDED TO EXAMINER			
31	06/01/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
30	06/10/2006	DATE FORWARDED TO EXAMINER			
29	06/01/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
28	06/10/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
27	06/01/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
26	06/01/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
25	12/01/2005	MAIL FINAL REJECTION (PTOL - 326)			
24	11/28/2005	FINAL REJECTION			
23	09/26/2005	DATE FORWARDED TO EXAMINER			
22	09/15/2005	RESPONSE AFTER NON-FINAL ACTION		90	16
21	09/15/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
20	09/01/2004	REFERENCE CAPTURE ON IDS			
19.7	09/01/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
19	09/01/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	06/25/2004	REFERENCE CAPTURE ON IDS			
17.7	06/25/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	06/25/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	03/17/2005	MAIL NON-FINAL REJECTION	1036		-1
15	03/16/2005	NON-FINAL REJECTION			
14	01/27/2005	CASE DOCKETED TO EXAMINER IN GAU			
13	08/19/2004	CASE DOCKETED TO EXAMINER IN GAU			
12	08/17/2004	IFW TSS PROCESSING BY TECH CENTER			

		COMPLETE			
11	06/30/2004	CASE DOCKETED TO EXAMINER IN GAU			
10	08/20/2003	CASE DOCKETED TO EXAMINER IN GAU			
9	07/30/2003	CASE DOCKETED TO EXAMINER IN GAU			
8	04/23/2002	CASE DOCKETED TO EXAMINER IN GAU			
7	02/27/2002	CASE DOCKETED TO EXAMINER IN GAU			
6	02/02/2002	TRANSFER INQUIRY TO GAU			
5	12/03/2001	APPLICATION DISPATCHED FROM OIPE			
4	11/30/2001	APPLICATION IS NOW COMPLETE			
3	04/23/2001	CORRESPONDENCE ADDRESS CHANGE			
2	04/04/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	03/16/2001	INITIAL EXAM TEAM NN			

Search Another: Application#

EXPLANATION OF PTA CALCULATION

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To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to [OASIS](#) | [Home page](#)